REMARKS

1. Claim Objections

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The Examiner objects to Claims 2, 60, and 89 for some informalities. Amendments to overcome these objections are suggested in the Listing of Claims which accompanies this document.

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2. Claim Rejections Under 35 USC § 112

The Examiner rejects claim 4 for being indefinite because it recites "with regard to a defined relation to said at least a segment." An amendment to the claim to
15   overcome the rejection is provided in the attached Listing of Claims.

3. Claim Rejections Under 35 USC § 103

20   The Examiner rejects Claims 1-110 as being unpatentable over Williams *et al.* in US patent no. 6,618,734 (hereinafter "Williams") in view of Turnasella in U.S. patent application serial no. 20030145015 (hereinafter "Turnasella"). A careful reading of Williams does not lead to the conclusions made by the Examiner. A discussion on a claim by claims basis, respective of each of the Examiner's
25   comments, is provided below.

Claim 1. The Examiner asserts that Williams teaches in Fig 3, column 2, lines 50-65, column 3, lines 30-55, column 6, lines 30-35 and 50-60, and column 7, lines 5-25, the "*presenting a segment of the sequence of questions to said user,*
30   *the user answers to said segment being pertinent in determining an affinity of said user to at least one affinity group, wherein said affinity group comprises a plurality of profiles*"as claimed by Applicant . However, Fig. 3 does not even

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remotely resemble the issue raised in this passage. Truly, two specific questions are presented to the user: the first about the zip code and the second about the caller ID or phone number of the user. Fig. 3 clearly shows that a check is performed against a database of zip codes, not a database of profiles. Similarly,

5   when the caller ID is made, the location of the user is checked to see if the number is valid or if there are openings for a job in the area. Again, a database check is performed against a database of numbers and job offerings, but not against other user profiles.

10   In the column 2 reference, information is collected about the client, however, nothing there suggests the use of the information to enable the grouping of persons into affinity groups. The client may present certain prerequisites and select those candidates who have filled out the survey for a specific job. It is clear here that it is not suggested by Williams, that affinity groups are created

15   based on the profiles of the users filling out the survey.

The only place were Williams mentions profiling is in column 3 where it is also specifically stated that "The profiling process begins with a panel of Subject Matter Experts who are consulted to understand which attributes are necessary

20   to perform well in a given position." (column 3, lines 40-42) the process later continues and Williams states that "Once all data from these steps is finally collected, a staff containing members with psychological training is implemented to create definitions and standards for various aspects of the position. When the definitions and standards are complete and approved by the client, the actual

25   interview for candidates is then developed and entered into the system" (column 3, lines 58-64). The profiling of Williams in concerned with the profile of the job, portions of which are done through a labor effort rather than automatically? By contrast, the claimed invention is concerned with the collection of profiles of users and then based on the users' profiles automatically creating affinity groups.

30   Nothing of the sort has been yet suggested by Williams.

The most careful reading of the references provided in column 6 do not suggest the abilities of the claimed invention, nor does the reference of column 7 that was also discussed with respect to Fig. 3 above. Williams does collect information about a specific user in a user profile, however, nothing in Williams

5   suggests that application of a process that involves the operation between user profiles to determine an affinity between plurality of user profiles. Because no affinity groups are created that are based on collected user information the Examiner's argument in this respect is erroneous. Therefore, the point that is made by the Examiner that a user may be associated in accordance with

10   Williams with a job position is in fact irrelevant because the association that is made is not with an affinity group, as defined in the Claims, but rather with a specific job description that was created to define a job.

As for the presentation of a next sequence of questions the Examiner again errs

15   in asserting that Williams suggests that it is based on the affiliation of the user to an affinity group. No affinity group is created according to Williams between user profiles. At most, a comparison is done between a user profile to a database to identify, for example, if the zip code is correct or has job offerings, or if the person has previously applied for a job or had a job and is restricted from getting

20   one. Nonetheless, these would not qualify to be an affinity group created based on the association between a plurality of profiles as defined in the claimed invention. The descriptions cited by the Examiner in columns 7 and 8 support the inflexible nature of the Williams system. The system has a predetermined route it goes through and is, in fact, an expert system to determine if a candidate is

25   suitable for a specific job based on predetermined and rigid classifications made by groups of human experts.

There are pre-qualifying questions that determine if a candidate will or will not receive a second sequence of questions. In the claimed invention, a second

30   sequence is provided based on the answers to the first sequence of question, and the second sequence is based on the determination of the affiliation of the user to certain affinity groups. No affinity groups are suggested by Williams as

no comparison between profiles takes place or is even remotely suggested. Even if one would go with the Examiner's assertion that a commonality of, for example zip codes, would constitute an affinity group as, no suggestion of handling such an affinity group is found in Williams.

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With respect to the Examiner's assertion that the questions are related to compensation, wages and economic analysis, Applicant find no support to these assertions whatsoever. In fact, with respect to salaries Williams notes that "*Specific information regarding average salary levels for the selected positions*

10   *must be provided by the client/employer in order to perform this analysis.*" (column 10, lines 15-17). There is nothing in Williams to even remotely suggest that questions pertain to compensation, wages, or other economic analysis, and if any information is provided it is by the client of the system, not a user taking the survey.

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The Examiner then further errs in applying Turnasella into the equation asserting that Turnasella teaches that user profiles are kept with sequences of questions and corresponding answers. Even in the paragraphs cited by the Examiner it is clearly not the case. In paragraph 0031 Turnasella specifically notes that "*The*

20   *salary server 85 includes a professionally managed, interactive salary database 90 of wage and salary levels for selected benchmarked jobs.*" A person skilled-in-the-art would immediately realize that there is there a database that connects between certain jobs levels and certain salaries or wages, however, nothing there suggests that there is kept a user profile with the sequence as suggested

25   by the Examiner. The concept of a profile is not foreign to Turnasella and in paragraph 0053 it is stated that "*...As can be seen, the report provides... a profile 130 of the companies that have provided information for generating the report page ...*" Hence, the concept of a profile is well understood by Turnasella, but is unique to a company. There is no attempt by Turnasella to teach any kind

30   of capability of being able to provide a user profile of an individual.

For all the reasons mentioned above the rejection by the Examiner should be withdrawn and the claims allowed.

Claim 2. The Examiner is in error in asserting that Turnasella suggests the
5 creation of a record comprising the record of the claimed invention. Nothing in the text referenced to by the Examiner nor the plurality of figures that accompany Turnasella even remotely suggest such record keeping. In paragraph 0055 Turnasella specifically notes that the data are kept on a company basis – "*a survey subgroup 175... may be formed of companies A, B, C, D and E and have*
10 *an associated data group... The data group 145 consists of data stored within the various tables... associated with members of the subgroup.*" A *member* according to Turnasella is a company that provides data and not a user that is responding to a server. Furthermore, the organization of the data in the various figures, specifically a relational database, and therefore the records suggested in
15 the claims, are not in the scope of Turnasella. The claim should be therefore allowed for the explanations above, as well as being a dependent claim of an allowable claim.

Claim 4. The claim should be allowed for at least being a dependent claim of an
20 allowable claim.

Claim 5-7. The Examiner asserts that Turnasella in Fig. 9 and various referenced paragraphs show the ability to provide a new answer not previously provided by the system and then having that answer displayed for use by others
25 persons answering the questions. The most careful reading of Turnasella does not even remotely suggest such a capability provided to persons taking a survey in a Turnasella system. The tables shown are filled out by a *member* and is a fixed answer. There is no place under Turnasella for a free text answer provided by a user taking the survey and, then providing that answer to other users taking
30 the survey, as is claimed. The claim should be therefore allowed for the explanations above as well as being a dependent claim of an allowable claim.

Claim 8. The claim should be allowed for at least being a dependent claim of an allowable claim.

Claim 9. The Examiner asserts that Williams teaches the ability to provide
5   multiple answers to a single question however, even the most careful reading of
Williams does not disclose such capability. The claim should be allowed for at
least being a dependent claim of an allowable claim.

Claim 10. Even if one was to accept the Examiner's assertion that Williams
10   suggests the abilities mentioned by the Examiner, Willaims clearly does not
provide any indication that answers may be automatically generated based on a
popularity of answers within an affinity group, the most frequently answers in an
affinity group, or the most recent answers provided within an affinity group. The
claim should be therefore allowed for the explanations above, as well as being a
15   dependent claim of an allowable claim.

Claims 11-12. The claims should be allowed for at least being dependent claims
of allowable claims.

20   **Claim 13.** The Examiner refers to column 7 lines 5-25v of Williams, asserting
that filtering is disclosed therein. However, nothing even resembling a filtering
process as claimed is even remotely suggested. Detecting an error in an input
provided by a user does not comprise the filtering process suggested by the
claimed invention. It is not claimed that the method enables a user to modify an
25   answer as at best one could argue for Williams. Instead, Applicant claims a
method that causes the modification to take place by ensuring, for example,
consistency with previously answered questions or the consistency with answers
of the affinity group to which the user taking the survey belongs. Nothing of the
sort is suggested by Williams, nor is it shown in Fig. 3, which is the description of
30   the content referred to by the Examiner. The claim should be therefore allowed
for the explanations above, as well as being a dependent claim of an allowable
claim.

Claim 14. Contrary to the assertion by the Examiner, nothing in Williams even remotely suggests checking of consistency of answers with answers within an affinity group. Firstly, as discussed in detail above, there are no affinity groups in

5   Williams. Secondly, there is not even suggested a comparison between two profiles of users throughout Williams and, hence, such inconsistency cannot be found and therefore not taught. Moreover, while possibly Williams suggests that a user can modify his own answer it is not even remotely suggested that this can be done automatically. The claim should be therefore allowed for the

10   explanations above, as well as being a dependent claim of an allowable claim.

Claims 15-17. The Examiner is in error asserting that affinity groups are created periodically in accordance with Williams. Truly, according to Williams an association between the user and predefined job descriptions based on the

15   user's answers is performed according to Williams. However, there is no suggestion of the creation of affinity groups of user profiles based upon similarities found between profiles,. Furthermore, it is not clear how Examiner suggests that new affinity groups may be created in accordance to Williams, because nothing of the sort is suggested by Williams. The claims should be

20   therefore allowed for the explanations above, as well as being dependent claims of allowable claims.

Claims 18-21. The claims should be allowed for at least being dependent claims of allowable claims.

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Claim 22. As previously noted, Williams does not teach an affinity group and hence cannot perform the match suggested in the claim. The claim should be therefore allowed for the explanations above, as well as being a dependent claim of an allowable claim.

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Claims 23-25. The claims should be allowed for at least being dependent claims of allowable claims.

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Claim 26. After careful reading of Williams it is not understood how Examiner arrived at the conclusion that Williams even remotely suggests the possibility of classifying a match as deterministic or non-deterministic. Regardless, the claim

5   should be allowed for the for at least being a dependent claim of an allowable claim.

Claim 27. After careful and repeated reading of Williams in general and the citations provided by the Examiner, Applicant still fails to see how a *personal*

10   *goal*, is read on Williams. Nothing in Williams shows the ability of a user to provide information respective of personal aspirations. In fact, a lot of the data about the applicant is provided by the persons interviewing the applicant, as noted in practically all the citations provided by the Examiner. With a lack of any kind of evidence that Williams actually teaches what the Examiner asserts the

15   claim should be allowed, at least for being a dependent claim of an allowable claim.

Claim 28. The claim should be allowed for at least being a dependent claim of an allowable claim.

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Claim 29. Nothing in Williams shows or suggests that a comparison based on a profile is ever performed. There are scores provided to a profile and then these scores are compared and possibly ranked. However, the creation of an affinity group based on a comparison between a plurality of user profiles never ever

25   takes place according to Williams. The strength of creating an affinity group, not in a predetermined manner but rather by process of comparisons between profiles, provides the flexibility of creating affinity groups that otherwise would not be created. For example, the creation of software programmers who have a degree in economics is not something that would be automatically created by a

30   Williams system, unless the creation of the score required that a high score would include both attributes. By contrast, because the system according to the claimed invention continues to create such affinity groups automatically through

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comparison of the actual responses to the questions, not through an integrated score, such creation is allowed and the findings that are unique to the claimed system . The claim should be therefore allowed for the explanations above, as well as being a dependent claim of an allowable claim.

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Claims 30-46. The answers provided in 1-17, respectively, are applicable for these claims as well.

Claims 47-49. The claims should be allowed for at least being dependent claims
10 of allowable claims.

Claim 51. The most careful reading of Williams in general, and the citations provided by the Examiner, does not reveal the ability of a user to provide a goal of a desired compensation as claimed. Williams discusses average salaries and
15 G&A costs (see column 4, lines 60-65). Williams further enables one to provide an offer to a candidate (see column 9, lines 12-23) However, nothing therein suggests the ability of a user to provide a desired compensation. Williams in fact suggests a system to determine the offer that will be made to a user rather then *vice versa*, allowing the user to define a desired compensation level. The claim
20 should be therefore allowed for the explanations above, as well as being a dependent claim of an allowable claim.

Claims 50, 52-57, 59 and 61. The answers provided in connection with Claims 21, 22-27, 28, and 29, respectively, are applicable for these claims too.
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Claims 58, 60, 62. The claims should be allowed for at least being a dependent claims of allowable claims.

Claim 63. The Examiner errs in asserting Williams against this claim in multiple
30 places. The Examiner suggests that Williams has the capability of determining an affinity group. However, no evidence can be shown in Williams that an affinity group as defined in the claims is by any means suggested by Williams. At

no point in Williams is an affinity group created by comparing a plurality of user profiles and grouping such profiles together. There is also no evidence in Williams that it is possible to provide a tailored sequence of questions based on previously answered questions, or as a result of matching an affinity group. This

5   is clear from both Figs. 3 and 4 that do not suggest any such ability. Williams verifies the correctness of information by comparison into a database, but no user specific tailoring takes place and, especially, no user specific tailoring based on the user's system determined affiliation to one or more affinity groups. The Examiner is blurring the distinction between user profiles and job descriptions

10   provided within the system, fitting a specific user to a specific job description is known in the art. The fact that multiple users may fit a specific job description is, of course a natural result thereof. However, here users are matched between profiles for the purpose of creating an affinity group that has larger characteristic qualities than a predefined job description can provide and hence the strength of

15   the solution disclosed in the application.

Further note that the Examiner is in error asserting that Williams suggests the periodic creation of affinity groups because no such affinity groups are created by Williams as discussed in detail above. The Examiner repeatedly errs between

20   the association of a user with a group of job positions (that is what Williams is trying to do) and the claimed invention, where the user is associated with a plurality of other profiles that are an affinity group, the "... *affinity group comprising a plurality of user profiles,...*" as specifically stated in the claim.

25   Furthermore, with respect to Turnasella, the Examiner further errs that Turnasella even remotely teaches that creation of a user profile. If a user profile was to be stored, then such would have to be maintained in the database structure shown, for example, in Fig. 2. However, nothing of the sort is shown in Fig. 2, nor in other portions of Turnasella. Information that is kept is aggregate

30   information or information pertaining to sponsors of the survey system, as discussed in much detail in Turnasella. The claim should be therefore allowed for the explanations above.

Claim 64. Williams is unable to show means for selecting an affinity group because no affinity groups are created according to Williams and Examiner provides no reference to a place were such affinity groups are created. The claim

5   should be therefore allowed for the explanations above, as well as being a dependent claim of an allowable claim.

Claims 65-66, 69. The claims should be allowed for at least being a dependent claims of allowable claims.

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Claims 67, 68, 70, 71, 72, 73, 77, 78 and 80. The answers provided in connection with Claims 22, 26, 47, 62, 27, 58, 28, 60 and 8, respectively, are applicable for these claims too.

15   **Claims 74 and 75.** With regard to Williams an aggregated score based on answers to questions is provided and then all users are ranked based on that score. However, there is no attempt even remotely made or suggested to compare the user profiles to each other on an answer-to-answer basis and thereupon attempting to create affinity groups based on the user profiles. There

20   is no possibility to take the scores of Williams and therefore create affinity groups between users. See, for example, Fig. 5 of Williams that provides to all candidates to the same position the exact same set of questions because no tailoring is possible. Candidates may be ejected but all based on predetermined criteria, and certainly not based on the creation of affinity groups. The claims

25   should be therefore allowed for the explanations above, as well as being dependent claims of allowable claims.

Claim 76. The claim should be allowed for at least being a dependent claim of an allowable claim.

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Claim 81. This claim concerns the ability to provide the user for selection only a subset of all the possible answers to a question based on specific criteria of a

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selection. Williams suggests the selection of a subset of question and, hence, is well aware of what a subset is. Nonetheless, Williams does not elect, nor suggest to teach, that only a subset of the possible answers to the questions be presented to a user taking the survey based, for example on the specific affinity

5   group identified for the user. The claims should be therefore allowed for the explanations above, as well as being dependent claims of allowable claims.

Claim 82. The claim should be allowed for at least being a dependent claim of an allowable claim.

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Claims 83-85. The answers provided in connection with Claims 5-7, respectively, are applicable for these claims too.

Claim 86. The claim should be allowed for at least being a dependent claim of

15   an allowable claim.

Claim 87. The most careful and broad interpretation of Fig. 3 would not reasonably lead to the Examiner's conclusion. No tailoring is made therein and the user is presented a set of questions in a predetermined manner. There is no

20   comparison to the user's profile suggested therein. According to Fig. 3, the user enters zip code information and caller ID information and based on certain checks, certain system functions may take place. A person skilled-in-the-art would not reasonably interpret these functions as being presented with a selection of a sequence of questions responsive to a user profile. The claims

25   should be therefore allowed for the explanations above, as well as being dependent claims of allowable claims.

Claim 88. The Examiner erroneously asserts that Williams suggests the ability to group user profiles into affinity groups. Applicant there is no such teaching in

30   Williams. A phone number of a user cannot cause the user to be part of an affinity group. Phone numbers are generally known in the art to be relatively unique. The fact that in both the claimed invention and in Williams users answer

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a plurality of questions does not make them read on each. Williams does not suggest taking plurality of profiles and grouping them in any kind of form or shape. Each profile is handled individually against the parameters predetermined for the Williams system. The claim should be therefore allowed for the explanations above, as well as being a dependent claim of an allowable claim.

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Claims 89-90. The Examiner asserts that in paragraph 0055 of Turnasella there is shown the ability of a user taking the survey to add a new question. No such evidence can be found in Turnasella. A new question can be added by the companies accessing and preparing the system according to Turnasella. However, while taking a survey there is no ability suggested that allows a user taking a survey to add a question. The claims should be therefore allowed for the explanations above, as well as being dependent claims of allowable claims.

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Claim 91. The Examiner erroneously asserts that Williams discloses that an affinity group is created based on commonality between at least one attribute and at least one corresponding value. The Examiner is respectfully directed to Claim 63, for the definition of an affinity group. The affinity group is comprised of a plurality of user profiles and the commonality is between the user profiles. All that is suggested by Williams is comparison between individual profiles and values within tables, such as zip codes or telephone numbers. According to Williams there is no comparison between user profiles. The claim should be therefore allowed for the explanations above, as well as being a dependent claim of an allowable claim.

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Claim 92. A detailed discussion of the issues related with affinity groups was provided before with respect to other claims and such discussion is equally applicable to this claim. Specifically, Williams is well aware of the ability to perform correlations and, in fact, suggests performing such in several instances (see, for example, column 4, lines 10-16, and lines 41-46). Nonetheless, Williams does not suggest performing correlations between user profiles, which the claimed invention. Hence, the claimed invention provides an inventive step

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and superior performance over prior art solutions. Note that steps are not repeated in Fig. 3, contrary to the assertion of the Examiner. Furthermore, as previously noted, Turnasella, does not create a user profile nor does it have a capability of doing so. For those reasons this claim should be allowed.

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Claim 93. The Examiner appears to be making reference to Turnasella when she probably means Williams. Because no affinity groups are created by Williams and, for that matter, neither by Turnasella, there would have been no need to periodically create new affinity groups. One would have expected some reference to the newly created affinity groups by Williams if such would have

10 existed but nothing of the sort can be found. The claim should be therefore allowed for the explanations above, as well as being a dependent claim of an allowable claim.

15 **Claim 97.** As noted above, the lack of affinity groups in Williams would not have enabled Williams to search such affinity groups and, therefore, the assertion made by the Examiner is baseless. The claim should be therefore allowed for the explanations above, as well as being a dependent claim of an allowable claim.

20 **Claims 94, 96, and 98.** The answers provided in connection with Claims 19, 10, and 60, respectively, are applicable for these claims also.

Claim 95. An amendment to Claim 95 is suggested to overcome the issue raised by the Examiner. The claim should now be allowed for at least being a

25 dependent claim of an allowable claim.

Claim 99. The claim should be allowed for at least being a dependent claim of an allowable claim.

30 **Claims 100-102, 103-108, 109 and 110.** The answers provided in 19-21, 23-28, 60, and 29, respectively, are applicable for these claims too.

Should the Examiner deem it helpful, she is encouraged to contact Applicant's attorney, Michael Glenn, at (650) 474-8400.

5   Respectfully submitted,

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